

that he has asked for more tax cuts for the wealthiest Americans, tax cuts that, frankly—usually, these tax cuts to the wealthiest Americans are at the expense of the middle class. He has asked for more trade agreements while our trade deficit explodes year after year after year.

As Senator DORGAN suggested, we know what we need to do as a nation. We know what we need to do with tax policy to serve the middle class. We know what we need to do with trade policy to serve the middle class.

Even though the President wants to stay the course, wants to continue the same direction, I think there is change afoot in this country. People want change. People want to strengthen again the middle class and strengthen our communities in New Jersey and Rhode Island—Senator WHITEHOUSE is in the Chamber, too—and in my State of Ohio, from Lima to Zanesville and from Dayton to Warren.

I thank you, Mr. President, for your time and again exhort Americans to look down the road for a new trade policy, a new tax policy that helps to build the middle class.

FISA

Mr. COBURN. Mr. President, at the end of this week, Americans may find themselves at greater risk of a terrorist attack when the Protect America Act expires on February 1. On that date, we will be forced to revert to the antiquated 1978 Foreign Intelligence Surveillance Act, or FISA, to monitor the communications of suspected terrorists, unless this Congress moves quickly to make permanent changes to that law. It is therefore critical for Congress to enact permanent modernizations to FISA so that our intelligence officials will have every tool they need to monitor the communications of terrorists who seek to destroy the United States.

The consequences of allowing the Protect America Act to lapse could be deadly. The PAA was passed last August to modernize FISA so that the statute could do in practice what it was always intended to do—govern certain foreign intelligence surveillance activities directed at persons in the United States, without inadvertently burdening those activities directed at persons overseas. FISA, however, has not kept up with technological advances that have been made since 1978. As a result, prior to the PAA, intelligence officers were often forced to obtain a court order before beginning surveillance against a terrorist or other foreign target located in another country. This unnecessary and burdensome requirement caused U.S. intelligence agencies to lose about two-thirds of their ability to collect communications intelligence against al-Qaida.

Thankfully, the Protect America Act helped to close the inexcusable gap that left this country blind to the plans our enemies were making against

us. As Director of National Intelligence Michael McConnell said, the PAA has “allowed us to obtain significant insight into terrorist planning.” To allow such a vital antiterror tool to lapse at this time would be the ultimate dereliction of duty.

The United States must remain vigilant against a terror threat that is real and constant. The National Intelligence Estimate on “The Terrorist Threat to the US Homeland,” released just 6 months ago, concluded that this country will face a “persistent and evolving” terrorist threat over the next 3 years, particularly from Islamic terrorist groups and cells like al-Qaida. No person in America is unfamiliar with the capabilities and determination of such terrorist groups, and Americans trust us to make the right decisions to protect them and their children. Without making permanent changes to FISA to ensure the fast and effective intercept of foreign intelligence information, little else we do will matter.

Retroactive immunity is in the best interest of this Nation's security and must be included in FISA modernization, as it was in the Intelligence Committee bill. Following the attacks of September 11, 2001, President Bush authorized the National Security Agency to intercept international communications into and out of the United States of persons linked to al-Qaida or related terrorist organizations. The administration's obvious and stated purpose of this authorization was to “establish an early warning system to detect and prevent another catastrophic terrorist attack on the United States.” Therefore, the administration made requests for telecom companies to cooperate with its intelligence activities. The companies complied with the government's request for help, relying on written assurance from the executive branch that their actions were both necessary and legal.

Now these companies face multibillion dollar lawsuits challenging their actions. Such lawsuits not only create potentially staggering liability for the companies, they also create the risk that sensitive details about our intelligence sources and methods will be revealed through discovery. Moreover, failing to protect those who cooperate with the Government to thwart terrorist activity will undermine the willingness of others to cooperate in the future. A powerful op-ed authored last October by former Attorneys General Benjamin Civiletti, Dick Thornburgh, and William Webster, said it best:

The government alone cannot protect us from the threats we face today. We must have the help of all our citizens. There will be times when the lives of thousands of Americans will depend on whether corporations such as airlines or banks are willing to lend assistance. If we do not treat companies fairly when they respond to assurances from the highest levels of the government that their help is legal and essential for saving lives, then we will be radically reducing our society's capacity to defend itself.

Recognizing the gravity of the situation, the bipartisan Senate Intelligence Committee voted 13 to 2 to include retroactive immunity in its bill. This overwhelming vote came after the committee reviewed the classified documents on which these companies relied. The committee ultimately concluded that the Government “cannot obtain the intelligence it needs without assistance from [telecommunications] companies.”

Protecting the corporate good citizens who answered the call to assist our intelligence community during a time of great danger to this country is the right thing to do. Anything short of full immunity for those companies that, at the Government's request, on the written assurance that such action had been authorized by the President and deemed lawful, would undermine the security of the United States is simply unacceptable.

The carefully crafted, bipartisan Senate Intelligence Committee bill protects privacy interests without undermining our intelligence community's ability to do its vitally important job. The bill was approved by a vote of 13 to 2 after careful consideration of complicated issues and classified documents. It will allow our intelligence professionals to continue collecting foreign intelligence against foreign targets located outside the United States without requiring prior court approval. This is consistent with the intent of the legislators who enacted FISA in 1978 and represents no change in the way that the NSA has always conducted foreign surveillance.

In so doing, the bill will also continue to protect the civil liberties of Americans in this country, surveillance of whom has always required prior court approval. Nothing we are considering in the Senate today would alter that. In the event that communication from a U.S. person is inadvertently intercepted, the intelligence community uses “minimization procedures” to suppress the data. The result is that the communication is never used or shared. These procedures have been used effectively for 30 years and will remain in place after permanent FISA changes are enacted.

Enacting permanent modernizations to FISA is one of the most important duties the Senate will undertake this year. We have known for 6 months that the Protect America Act would expire on February 1 and have no excuse for not getting this done correctly before that date. The stakes in this debate could not be higher. Although the details can be complicated, the basic issue is pretty simple. As Andy McCarthy said in a recent piece for the National Review Online, “Osama bin Laden doesn't need to apply to a sharia court before blowing up an American embassy; the president shouldn't need to apply to a federal court to try to stop him.”

Unfortunately, I was unable to make it back to town in time for the two cloture votes that were held yesterday.

Had I been here, I would have voted for cloture on Rockefeller amendment No. 3911, the Intelligence Committee's FISA bill, and against cloture on Reid amendment No. 3918, to temporarily extend the Protect America Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMY AND FORECLOSURES

Mr. REID. Mr. President, last night, President Bush spoke of the bipartisan effort we've seen to put together an economic stimulus package.

I have joined this chorus of praise. It is important for us to remember that despite our differences, we can find common ground in pursuit of common good.

The stimulus package is in markup today in the Finance Committee. I am confident that Chairman BAUCUS and Senator GRASSLEY will send a bill to the floor that all 100 Senators can proudly support.

We all agree that with our economy ailing, homeowners struggling and energy prices rising, this short-term stimulus plan will help working Americans make ends meet.

But I think we also all agree that this is only the first step. A short-term solution will help, but we must create long-term solutions that will treat the cause rather than the symptoms.

President Bush suggested last night that this could be accomplished with more tax cuts for the wealthy.

We strongly disagree. No one wondering if they can make their next mortgage payment or whether they can afford to retire believes that more tax cuts for the rich will solve this problem.

This morning, the Reno Gazette Journal reported that home foreclosures in Washoe County—the Reno area of Nevada—skyrocketed 614 percent in 2007 from the year before.

This pain isn't just felt in one area or neighborhood. Foreclosures have risen in all parts of the Truckee Meadows.

One realtor said:

It's ridiculous. I'm up to 22 right now. A year ago, I had zero. I have potentially another 50 homes not foreclosed on yet but are on the brink. And that's just me.

Experts say this crisis in Reno, throughout Nevada, and all over America is going growing worse.

Nationally, foreclosures jumped 79 percent in 2007.

One of America's largest lenders, Countrywide, just reported that one out of every three subprime loans is now delinquent.

And this is affecting not just the families who may lose their homes—but their neighbors who are seeing property values drop, and all of us who are faced with the collateral damage of a badly damaged housing market.

We call on President Bush to work with us to solve this and other economic problems.

We need to provide tax incentives for companies to invest in renewable energy. This will create jobs, save consumers money, and protect our air.

America's infrastructure is crumbling. We saw it in the bridge collapse. Investing in our infrastructure will not only strengthen our communities, it will strengthen our economy by creating good-paying jobs.

For every \$10 billion we spend on infrastructure, we create 47,500 new jobs. And for every \$10 million capital investment in public transportation, we create \$30 million in sales for businesses.

Instead of cutting funding for community block grants and the Consumer Credit Council in his budget, the President should sit down with us to come up with real long-term solutions.

With less than a year to go in his term, we can still come together to solve these problems and get America's economy working again.

CITY OF HARTFORD, KENTUCKY, CELEBRATES 200 YEARS

Mr. MCCONNELL. Mr. President, I wish today to honor a long respected community in the great Commonwealth of Kentucky, the city of Hartford, which on February 3, 2008, will celebrate 200 years of establishment in the Commonwealth.

Since February 3, 1808, the great city of Hartford has been a part of my great State. After an act of the legislature of the Commonwealth of Kentucky, Hartford was formally established on 400 acres of land around Rough River, in the county of Ohio, occupying the land of the late Gabriel Madison. The city humbly began governing with a group of seven trustees overseeing the town and has since grown to a population of over 2,000 outstanding citizens and has developed into the administrative center for Ohio County, becoming the county seat. Now, great leadership comes from Mayor Earl Russell, who proudly carries on the tradition of his family of governing in Hartford.

As proclaimed in Hartford's town slogan, this honored town is home to "2,000 happy people and a few soreheads." These "soreheads and happy people" strenuously work to promote civic pride and generate the enthusiasm needed to accomplish future goals throughout their city.

Due to the enthusiasm from citizens like these and great leadership from

Mayor Earl Russell, Kentucky has grown to the honorable State it is today. Inhabiting the western coal field region of the State, Hartford has been contributing to the Commonwealth for 200 years and has planned a celebration in honor of this. Because of the continued contribution of the citizens of Hartford to the betterment of their town, county and the Commonwealth, I ask my colleagues to join me in celebrating with them today for 200 years of dedication.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On January 14, 2008, 63-year-old Baljeet Singh was parking his car outside a Sikh temple in Queens, NY, when David Wood, 36, approached him. Wood reportedly shouted: "Arab, go back to your country" before physically attacking Singh. Wood continued to hurl epithets as he beat Singh, allegedly without provocation. Singh, whose family has attended the temple—known as a gurdwara—for over 12 years, sustained a broken nose and jaw, both of which may require surgery. Wood, who lives near the temple and allegedly has a history of harassing its members, has been charged with second-degree assault as a hate crime, second and third degree assault, and second-degree aggravated harassment.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by protecting new groups of people as well as better protecting citizens already covered under deficient laws. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

JUSTICE

Mr. SMITH. Mr. President, I rise to speak about justice.

Today, the Simon Wiesenthal Center, in coordination with the Targum Shlishi Foundation, is conducting Operation: Last Chance, a final effort to bring the most guilty Nazis to justice before they die. The perpetrators of the Holocaust must not be allowed to cheat their deserved fate.

The uniqueness of the Holocaust crime lies not wholly in its number of